

SUMMARY STATEMENT

Hayes v. City of Plummer, Docket No. 42125

Appellants Martin and Lynn Hayes appealed from the Benewah County district court's grant of summary judgment in favor of respondent City of Plummer on claims for premises liability. The Idaho Supreme Court affirmed the district court's grant of summary judgment.

This case stems from injuries sustained by Martin Hayes after he tripped and fell while attending his grandson's football game at the Plummer School Park, which is owned by the City of Plummer. The district court granted summary judgment on the basis that the City of Plummer was given immunity under Idaho's Recreational Use Statute. On appeal, Martin and Lynn Hayes argued that the City should not be granted immunity because the Worley School District performs services at the Plummer School Park on behalf of the City of Plummer. Martin and Lynn Hayes argued that the Worley School District's payment of utilities and property insurance, maintenance of the park, and scheduling of organized events for the park amount to "compensation," which provides for an exception to landowner immunity under Idaho's Recreational Use Statute.

The Idaho Supreme Court held that the plain meaning of "compensation" under the statute is limited to payment for direct use or admission to the property. Because the Plummer School Park was open and accessible to Hayes and the general public at no cost, the City of Plummer was immune from liability under Idaho's Recreational Use Statute. The Idaho Supreme Court awarded costs on appeal to the City of Plummer.